

**ESHB 1689** - S COMM AMD

By Committee on Natural Resources, Energy & Water

ADOPTED AS AMENDED 04/16/2003

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature intends to provide  
4 direction to the department of ecology and to municipalities regarding  
5 the development and implementation in Washington of phase two of the  
6 national pollutant discharge elimination system permit program required  
7 by the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

8 NEW SECTION. **Sec. 2.** (1) The department of ecology shall  
9 establish a permit development advisory group for the geographic areas  
10 draining to Puget Sound in western Washington to advise and assist the  
11 department regarding permits for municipal separate storm sewer  
12 systems. The permit development advisory group, which may include up  
13 to eighteen members, of which at least half shall be representatives of  
14 local government, shall:

15 (a) Review and address the issues specified in section 5 of this  
16 act and any other issues regarding municipal separate storm sewer  
17 systems for which the department of ecology requests advice and  
18 assistance; and

19 (b) Advise and assist the department of ecology in drafting a  
20 permit or permits for municipal separate storm sewer systems in  
21 geographic areas draining to Puget Sound in western Washington as  
22 required by federal regulations implementing phase two of the national  
23 pollutant discharge elimination system permit program under the federal  
24 clean water act (33 U.S.C. Sec. 1251 et seq.).

25 (2) This section expires June 30, 2005.

26 NEW SECTION. **Sec. 3.** (1) The department of ecology shall develop  
27 a municipal separate storm sewer system permit or permits that address  
28 the issues and needs of municipalities operating these systems in

1 eastern Washington. The department shall use the existing storm water  
2 advisory group it has established in eastern Washington to advise and  
3 assist the department regarding permits for municipal separate storm  
4 sewer systems to be issued in eastern Washington. The eastern  
5 Washington storm water advisory group shall:

6 (a) Review and address the issues specified in section 5 of this  
7 act as they pertain to eastern Washington and any other issues  
8 regarding municipal separate storm sewer systems for which the  
9 department of ecology requests advice and assistance; and

10 (b) Assist and advise the department of ecology in drafting a  
11 permit or permits for municipal separate storm sewer systems in eastern  
12 Washington as required by federal regulations implementing phase two of  
13 the national pollutant discharge elimination system permit program  
14 under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

15 (2) This section expires June 30, 2005.

16 NEW SECTION. **Sec. 4.** (1) The department of ecology shall  
17 establish a permit development advisory group for the coastal and  
18 southwest areas in western Washington to advise and assist the  
19 department regarding permits for municipal separate storm sewer  
20 systems. The permit development advisory group shall:

21 (a) Review and address the issues specified in section 5 of this  
22 act and any other issues regarding municipal separate storm sewer  
23 systems for which the department requests advice and assistance; and

24 (b) Advise and assist the department in drafting a permit or  
25 permits for municipal separate storm sewer systems in coastal and  
26 southwest Washington as required by federal regulations implementing  
27 phase two of the national pollutant discharge elimination system permit  
28 program under the federal clean water act (33 U.S.C. Sec. 1251 et  
29 seq.).

30 (2) This section expires June 30, 2005.

31 NEW SECTION. **Sec. 5.** (1) The permit development advisory group  
32 for Puget Sound areas in western Washington established in section 2 of  
33 this act, the eastern Washington storm water advisory group identified  
34 in section 3 of this act, and the permit development advisory group for  
35 coastal and southwest areas in western Washington established in

1 section 4 of this act shall review and make recommendations to the  
2 department of ecology regarding the development of permits for  
3 municipal separate storm sewer systems. Issues considered by these  
4 groups shall include the:

5 (a) Types of discharges being regulated under these permits;

6 (b) Areas being regulated by these permits under phases one and two  
7 of the federal national pollutant discharge elimination system permit  
8 program as they relate to municipal borders;

9 (c) Issuance of these permits on a watershed basis;

10 (d) Integration of permits and permit requirements for phase one  
11 and phase two of the federal national pollutant discharge elimination  
12 system permit program;

13 (e) Application of these permits to ground water discharges;

14 (f) Level of effort required of municipalities to satisfy permit  
15 requirements regarding:

16 (i) Public education and outreach;

17 (ii) Public participation and public involvement;

18 (iii) Illicit discharge detection and elimination;

19 (iv) Construction site runoff control;

20 (v) Postconstruction runoff control;

21 (vi) Pollution prevention and good housekeeping;

22 (vii) Implementation of applicable total maximum daily loads; and

23 (viii) Program evaluation and reporting;

24 (g) Protection for shellfish areas;

25 (h) Costs and benefits associated with each permit element not  
26 required under federal law;

27 (i) The use of land use planning and existing land use plans and  
28 rules as a best management practice for storm water management; and

29 (j) Potential funding sources for implementation of permit  
30 requirements.

31 (2) This section expires June 30, 2005.

32 NEW SECTION. **Sec. 6.** (1) No later than December 1, 2003, the  
33 department of ecology shall submit a progress report regarding the work  
34 of the permit development advisory groups established and identified in  
35 sections 2, 3, and 4 of this act to the appropriate committees of the  
36 legislature.

1 (2) After the permits are developed but no later than December 1,  
2 2004, the department of ecology shall submit a final report to the  
3 appropriate committees of the legislature regarding these permits and  
4 the work of the advisory groups. The department shall also identify  
5 any legislative recommendations from these groups or from the  
6 department based on the work of these groups."

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7 On page 1, line 2 of the title, after "permits;" strike the  
8 remainder of the title and insert "creating new sections; and providing  
9 expiration dates."

EFFECT: The Department of Ecology is required to establish phase II storm water permit drafting advisory groups for three regions: Eastern Washington, western Washington areas draining to Puget Sound, and coastal and southwestern areas of the state not draining into Puget Sound. These groups are required to consider certain issues and to make recommendations to the Department of Ecology. The Department of Ecology is required to submit a progress report to the legislature by December 1, 2003, and a final report by December 1, 2004.

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